

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
3:21-cv-601-FDW**

<b>RON CHRISTOPHER ROBBINS,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>vs.</b>	)	
	)	<b><u>ORDER</u></b>
<b>COMMISSIONER OF SOCIAL SECURITY,</b>	)	
	)	
<b>Defendant.</b>	)	
	)	

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**THIS MATTER** is before the Court on Plaintiff's Motion for Relief from Judgment (Doc. No. 6).

The Plaintiff is seeking review of a final determination denying a claim under the Social Security Act. (Doc. No. 1). On November 8, 2021, the Court entered an Order denying his Application to proceed *in forma pauperis* and instructed him to refile an Application or pay the fee within 20 days. (Doc. No. 3). On November 30, 2021, the Court dismissed the case for lack of prosecution, (Doc. No. 4), and the Clerk entered a Judgment, (Doc. No. 5). However, that same day, the Court received payment of the Plaintiff's filing fee.

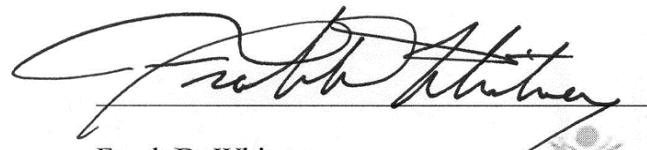
The Plaintiff now asks the Court to reopen this matter pursuant to Rules 60(b)(1) and (6) of the Federal Rules of Civil Procedure, because it mailed the payment check via overnight mail. (Doc. No. 6).

The Court finds that relief is warranted and, therefore, will grant the Motion, vacate its November 30 Order (Doc. No. 4) and the Clerk's Judgment, (Doc. No. 5), and instruct the Clerk to reopen this case.

**IT IS, THEREFORE, ORDERED:**

1. Plaintiff's Motion for Relief from Judgment (Doc. No. 6), is **GRANTED**.
2. The November 30, 2021 Order (Doc. No. 4) and Judgment (Doc. No. 5) are **VACATED**.
3. The Clerk is instructed to re-opened this action.

Signed: December 1, 2021



Frank D. Whitney  
United States District Judge

